

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

DAVID MARK DAVIS II, **FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
v. JUL 03 2018 Case No. 9:17-CV-00179-RC-ZJH  
ANGELINA COLLEGE BOARD OF  
TRUSTEES, MICHAEL SIMON AND  
STEVE HUDMAN BY DEPUTY

**PLAINTIFF'S VOLUNTARY NOTICE OF DISMISSAL OF ALL CLAIMS**

Plaintiff David Mark Davis II hereby files this Voluntary Notice of Dismissal of All Claims raised in the Complaint (Dkt. No. 30).

**I.**

Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure provides for a voluntary dismissal of an action by a plaintiff without a court order, subject to certain enumerated exceptions: "the plaintiff may dismiss an action without a court order by filing: a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment". Normally, under Rule 41(a)(1)(A), a voluntary notice of dismissal under (i) or stipulated dismissal under (ii) is "self-executing, i.e., it is effective at the moment the notice is filed with the clerk and no judicial approval is required." *Janssen v. Harris*, 321 F.3d 998, 1000 (10th Cir. 2003) (quoting *Marex Titanic, Inc. v. The Wrecked & Abandoned Vessel*, 2 F.3d 544, 546 (4th Cir. 1993))

**II.**

Defendants have neither served an answer or moved for summary judgment in this case. At the time of filing, plaintiff has five pending claims against the defendants. Plaintiff hereby notifies this Court that he is dismissing this case in its entirety. Plaintiff files this notice as a

result of dismissal of having severe health issues that are interfering with his daily activity. No counterclaim has been filed.

**III.**

For these reasons, plaintiff asks the Court to accept this notice of dismissal and enter a final judgment accordingly.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'David Mark Davis II', with a stylized flourish at the end.

David Mark Davis II, MBA, JD<sup>1</sup>  
Plaintiff, *Pro Se*  
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Livingston, Texas 77351  
(936) 238-8507  
[dmarkdavis2@gmail.com](mailto:dmarkdavis2@gmail.com)

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<sup>1</sup>While plaintiff has successfully graduated law school, he is not currently licensed to practice law in any jurisdiction.

## CERTIFICATE OF SERVICE

I certify that on the day of filing, a true and correct copy of the foregoing pleading will be served on all parties and/or counsel of record by electronic mail by agreement to the following:

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DAVID MARK DAVIS II

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DAVID MARK DAVIS II  
2010 US HWY 190 W  
LIVINGSTON TX 77351

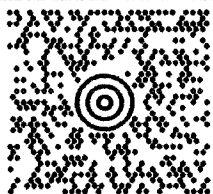
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(936) 632-2739  
104 NORTH 3RD STREET  
LUFKIN TX 75901

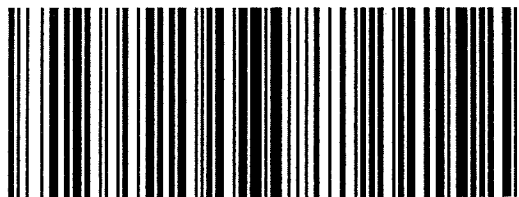


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